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feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (c. 408, 39 Stat. 535; U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of July in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
The Secretary of State.

[No. 2344]

[F. R. Doc. 39-2783; Filed, July 27, 1939.
12:32 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE	
AGRICULTURAL MARKETING SERVICE	
PART 59—RULES AND REGULATIONS GOVERNING ORIGIN VERIFICATION OF SEED (INSPECTION AND CERTIFICATION)	
By virtue of the authority vested in the Secretary of Agriculture by the provision in the Act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159, 76th Congress), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom,	

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SUBPART A—DEFINITIONS

§ 59.1 *Meaning of words.* Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 59.2 *Terms defined.* For the purposes of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The following provision of an act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159, 76th Congress), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom,

under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as *prima-facie* evidence of the truth of the statements therein contained."

(b) *Person.* Individual, association, partnership, or corporation.

(c) *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

(d) *Service.* Agricultural Marketing Service of the United States Department of Agriculture.

(e) *Seed.* Alfalfa seed, red clover seed, and such other kinds of seed used for planting purposes as may be designated by the Chief of the Service.

(f) *Class and origin.* The designation of the class of seed as to kind, i. e., alfalfa, red clover, and the class as to origin or place where grown, i. e., one or more States, political subdivisions of a State, or districts prescribed or approved by the Chief of the Service, e. g., Ohio; Millard County, Utah; eastern Oregon.

(g) *Inspector.* Employee of the U. S. Department of Agriculture or other person authorized by the Secretary to investigate and certificate the class and origin of seed under the act.

(h) *Grower.* Any person who has produced the seed in question on his own farm or on a farm operated by him, or who is a seed-crop sharer in such seed.

(i) *Shipper.* Any person who purchases seed of the kind in question in his locality or district where a surplus of this seed is usually produced, and who ships such seed to other shippers or to general seed dealers.

(j) *General seed dealer.* Any person who buys and sells seed of miscellaneous kinds either at wholesale or at retail.

(k) *Verified-origin seed dealer.* A seed dealer who is authorized under these regulations and instructions to issue verified-origin seed certificates for seed inspected as to origin for him.

(k-1) *Records.* Documents, books, statements, tags, labels, declarations, reports, invoices, seed samples, or any other matter in any form used to record business transactions, operations, or to furnish information for use in the operation of the business of the grower, shipper or dealer or prepared or issued in compliance with these regulations and instructions as to the movement, origin, quality, or identity of lots of seed grown, handled or moving in commerce.

(k-2) *Lot of seed.* A quantity of seed more or less defined as to source, use or disposition and identified by a lot number, e. g., grower's lot, milled lot, blended lot, bulk lot, cleaned lot, etc. For the purpose of identification of seed in a verified-origin seed certificate or in an analysis tag or label issued in compliance with these regulations and

instructions, a "lot of seed" shall be a quantity of seed of which a sample taken from any part of the lot will be identical, within tolerances defined in U. S. Department of Agriculture Circular 480, as to source, origin, germination, purity and all other factors with a similar sample taken from any other part of the lot.

(k-3) *Lot number.* The number, letter, or any combination of numbers or letters or any other symbol by which a lot of seed is identified until such identity is lost or the number changed as a matter of record.

(k-4) *Verified-origin seed.* Seed which has been verified as to origin by a Federal seed inspector and which meets quality specifications for seed to be covered by a verified-origin seed certificate under these regulations and instructions.

(l) *Declaration of origin.* A declaration in a form approved by the Chief of the Service either of a grower stating that he is the grower of the seed in question and certifying to the correctness of certain facts given by him, or of a shipper stating that he has obtained the seed in question from a grower or another shipper and also stating among other things that the facts given by him are correct to the best of his knowledge and belief, and that the place where grown and identity of each lot are properly covered in his records, which will be made accessible for verification by a Federal seed inspector at any time upon request.

(m) *Inspection certificate.* A certificate of the class and origin of seed issued by an inspector under the act, which certificate is not transferable.

(n) *Verified-origin seed certificate.* The commercial certificate of the class and origin of seed, based upon one or more inspection certificates previously issued, and which accompanies one or more parcels of seed, issued under the act by a verified-origin seed dealer or an inspector, in accordance with these regulations and instructions.

(o) *Interested party.* A State or any person who has a financial interest in the seed involved, including all carriers and warehouses which have handled or will handle the seed, the present owner or persons who owned the seed prior to him, and persons to whom the seed has been sold and whose acceptance thereof hinges on the inspection.

(p) *Regulations.* Rules and regulations of the Secretary governing the certification of seed as to class and origin under the Act.

(q) *Instructions.* Instructions of the Chief of the Agricultural Marketing Service issued under these regulations.

SUBPART B—ADMINISTRATION

§ 59.3 *Chief of Service.* The Chief of the Agricultural Marketing Service is charged with the supervision of the performance of all duties arising in the administration of the Act.

SUBPART C—WHERE SERVICE IS OFFERED

§ 59.4 *Where service is offered—(a) Service points.* Seed meeting the requirements of these regulations and instructions may be verified as to class and origin, and inspection certificates issued at points indicated in paragraphs (b) and (c) of this section.

(b) *Designated markets.* Washington, Chicago, Kansas City, Minneapolis, Cincinnati, Denver, Los Angeles, San Francisco, Portland, Seattle, Spokane, and Ogden are hereby designated as important central markets at which inspectors are located and available for making inspections. Other important markets at which inspectors will be available may be designated by the Chief of the Service from time to time.

(c) *Other points.* Places where verified-origin seed dealers are located.

SUBPART D—INSPECTION

§ 59.5 *Basis of inspection.* Inspection for class and origin shall be based upon such examination of records, and be made under such conditions and in accordance with such methods, as may be prescribed or approved by the Chief of the Service.

§ 59.6 *Who may obtain inspection.* An application for the inspection of seed under the act may be made by a State, a verified-origin seed dealer, or any other interested party who has complied with the regulations and instructions pertaining to the making of such application.

§ 59.7 *How application should be made.* Application for inspection of seed under the act shall be made in writing, on forms approved by the Chief of the Service. Such applications shall be sent to the inspector in the designated market which most conveniently serves the applicant.

§ 59.8 *Form of application.* The written application for inspection of seed as to class and origin under the act shall be in English, in a form prescribed by the Chief of the Service, and shall include the following information: (a) date of application, (b) name and post-office address of applicant, (c) kind of seed, (d) name of grower, shipper or dealer making shipment, (e) shipping point and post-office address of person making shipment, if different from shipping point, (f) date of shipment, (g) shipper's lot number, (h) applicant's lot number, (i) weight in pounds, (j) place where grown, (k) kind of declaration or assurance of origin furnished applicant; if assurance accompanying shipment is a verified-origin seed certificate, the name or symbol of the verified-origin seed dealer should be given if different from the seller or person making shipment, and (l) such other information as the inspector or Chief of the Service may require.

§ 59.9 *When an inspection may be refused.* An application may be rejected by the inspector with whom it is filed or by the Chief of the Service for any non-

compliance with the act, with these regulations or instructions, or whenever an inspector is not available for making the inspection, or whenever the evidence is insufficient upon which to determine the correct origin.

§ 59.10 *Certificates; issuance.* The inspector shall sign and issue an inspection certificate for such lot or lots of seed as are included in the application, the class and origin of which are covered by approved growers' or shippers' declarations of origin, verified-origin certificates, or other approved assurances of class and origin furnished by the applicant in compliance with instructions.

§ 59.11 *Communicating certificate information.* Upon request from an applicant for whom an inspection has been made, any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

§ 59.12 *Disposition of certificates.* The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant; one copy shall be filed in the office of the inspector and one copy forwarded to the supervising inspector, Washington, D. C.

§ 59.13 *Corrected inspection certificates.* A corrected certificate shall be issued for any lot or lots of seed under conditions outlined in paragraphs (a) and (b) of this section.

(a) *Correction by applicant.* Whenever an applicant for whom an inspection has been made believes the class or other information in connection with any lot or lots of seed, as stated in an inspection certificate issued to him, is not correct, and returns the certificate covering such lot or lots of seed with a corrected application under the same serial number and covering all lots of seed in the original certificate which are eligible for verification, the inspector will investigate the applicant's claims and if he finds them correct he will issue a corrected certificate.

(b) *Correction by inspector.* Whenever an inspector finds that the class and origin for a lot or lots of seed, or any of the information upon which the class and origin of such lots have been based in an inspection certificate, is incorrect or incomplete, he may request the applicant to return the incorrect certificate with a corrected application under the same serial number and covering all lots of seed in the original certificate which are eligible for verification, and shall then issue a corrected certificate covering the lot or lots in question, and shall retain the original in his files.

SUBPART E—FEES AND CHARGES

§ 59.14 *Fees and charges for inspections.* The fees and charges to be collected for class and origin inspections of seed and method of payment shall be fixed by the Chief of the Service and published in accordance with section 59.16.

SUBPART F—MISCELLANEOUS

§ 59.16 *Publications.* Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Agricultural Marketing Service and in such other media as the Chief of the Service may from time to time designate for the purpose.

§ 59.17 *Seeds and records made accessible.* The applicant shall cause the seed and/or records covering the lots for which inspection is requested, and such other seed and/or records covering other lots of the same kind of seed as that for which inspection is requested which are now or have been owned or stored by the applicant, to be made accessible for examination or inspection, when requested by the inspector.

§ 59.18 *Authority of agents.* Proof of authority of any person applying for inspection on behalf of another may be required, in the discretion of the inspector.

§ 59.19 *Certificate superseded is void.* When an inspection certificate has been superseded under these regulations by a corrected certificate no inspection certificate or verified-origin seed certificate issued prior thereto for any corrected lot or lots shall thereafter represent the class and origin of the lot or lots of seed described therein on which incorrect or incomplete information was given. If the original of the superseded certificate is not delivered to the inspector issuing the corrected certificate and proper assurance is not given of the cancellation or correction of verified-origin seed certificates which were based upon such incorrect certificate, the inspector issuing the corrected certificate or the Chief of the Service shall take such action and give such notice of the issuance of such corrected certificate and cancellation of the original inspection certificate or certificates and invalidation of corresponding verified-origin seed certificates as he considers necessary to prevent misrepresentation or fraud.

§ 59.20 *Misrepresentation.* Any misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or by any other person regarding any seed or in connection with the verification of origin of seed covered or to be covered by an inspection certificate, or failure in any way to comply with the regulations and instructions, may be deemed sufficient cause for debarring such person from any further inspections under the Act, or from the use of verified-origin seed certificates in the merchandising of alfalfa and red clover seed, or from having any declarations of origin issued by him accepted on which to base verification of origin in the Seed Verification Service, and public notice thereof may be given.

§ 59.21 *Political activity.* All samplers and inspectors authorized either by appointment or license from the Secretary of Agriculture to draw official samples

of seed or to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this regulation will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

§ 59.22 *Inspection records confidential.* Records of inspection, including copies of certificates issued, records of such certificates, applicants' accounts, and other detailed information relating to the work of an inspection office are not to be made available to or to be opened for examination by any person who is not connected with the inspection service. Such records are to be held strictly confidential for reference by the inspector in charge of the office and his assistants and by the supervising inspector. Summarized reports which do not disclose the operations of an individual grower, shipper or other applicant for inspection and which are identified clearly as to source and contents may be released to the public, provided that when so released they shall be published in such manner and in such mediums as will make the information available alike to all interested persons.

Done at Washington, D. C., this 26th day of July, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-2779; Filed, July 27, 1939;
11:42 a. m.]

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

- PART 401—GENERAL,
- PART 402—LOAN SERVICE,
- PART 405—RECONDITIONING

ADVANCES OR GRANTS OF EXTENSION TO EMPLOYEES

Amending Parts 401, 402 and 405 of Chapter IV, Title 24, of the Code of Federal Regulations.

Part 401 is amended by adding a new section, numbered 401.08, which reads as follows:

§ 401.08 Advances or grants of extensions for the accounts of salaried employees, whether mortgagors, vendees or their successors in interest, shall be made only upon review and approval by the

Regional Manager, a Deputy General Manager, or the General Manager.

The second paragraph of Section 402.02 is amended to read as follows:

The Regional Manager may, in the manner now or hereafter provided, request the appointment of deputies to execute forms on his behalf, to exercise any authority and to perform any duties vested in or required of the Regional Manager with respect to Loan Service operations; provided, however, that such deputation is limited to the Assistant Regional Manager in Charge of Loan Service and employees of the Loan Service Division recommended by him; and provided further that no such deputy shall exercise any power now or hereafter conferred upon the Regional Manager to direct advances of Corporation funds or to approve extensions for the accounts of salaried employees, whether such employees are mortgagors, vendees or their successors in interest.

The last sentence of Section 402.12 is amended to read as follows:

Except as provided in Section 108, any Regional or State Manager, with the advice or approval of Regional or State Counsel, as may be required, may exercise the authority herein granted, under procedure and limitations prescribed and promulgated by the General Manager with the approval of the General Counsel.

The last sentence of Section 405.02 is amended to read as follows:

Except as provided in Section 108, the authority herein conferred upon the General Manager may be exercised also by Regional or State Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(Effective August 15, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on July 24, 1939.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-2778; Filed, July 27, 1939;
11:17 a. m.]

TITLE 26—INTERNAL REVENUE BUREAU OF INTERNAL REVENUE

[T. D. 4914]

INCOME TAX

CORPORATE INCOME TAX RETURNS TO BE GIVEN PARTICULAR ATTENTION TO DETERMINE THE APPLICATION OF THE PROVISIONS OF SECTION 102 OF THE INTERNAL REVENUE CODE, AND THE CORRESPONDING

SECTION OF THE REVENUE ACT OF 1938, RELATING TO UNREASONABLE ACCUMULATION OF EARNINGS OR PROFITS TO AVOID SURTAX *†

To Collectors of Internal Revenue and Other Officers and Employees of the Bureau of Internal Revenue Concerned:

§ 22.0 *Introductory.* (a) Attention is directed to the provisions of section 102 of the Internal Revenue Code (53 Stat. Part 1) which imposes a surtax on corporations improperly accumulating surplus, particularly section 102 (c), which provides as follows:

"(c) *Evidence determinative of purpose.*—The fact that the earnings or profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid surtax upon shareholders unless the corporation by the clear preponderance of the evidence shall prove to the contrary."

The above-quoted provisions first appeared in the Revenue Act of 1938 (52 Stat. 483).

(b) Attention is also directed to the following provisions of article 102-2 of Regulations 101¹ issued under the Revenue Act of 1938, and made applicable to the Internal Revenue Code by Treasury Decision 4885,² approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations):

"If the Commissioner determines that the corporation was formed or availed of for the purpose of avoiding the individual surtax through the medium of permitting earnings or profits to accumulate, and the taxpayer contests such determination of fact by litigation, the burden of proving the determination wrong by a preponderance of evidence, together with the corresponding burden of first going forward with evidence, is on the taxpayer under principles applicable to income tax cases generally, and this is so even though the corporation is not a mere holding or investment company and does not have an unreasonable accumulation of earnings or profits. However, if the corporation is a mere holding or investment company, then the Act gives further weight to the presumption of correctness already arising from the Commissioner's determination by expressly providing an additional presumption of the existence of a purpose to avoid surtax upon shareholders, while if earnings or profits are permitted to accumulate beyond the rea-

*Sections 22.0 and 22.1 issued under the authority contained in sections 62 and 102 of the Internal Revenue Code (53 Stat. Part 1) and of the Revenue Act of 1938 (52 Stat. 480, 483; 26 U.S.C. Sup. IV, 62, 102).

¹The source of sections 22.0 and 22.1 is Treasury Decision 4914, approved July 26, 1939.

²4 F.R. 704 DI.

²4 F.R. 879 DI.

sonable needs of the business, then the Act adds still more weight to the Commissioner's determination by providing that irrespective of whether or not the corporation is a mere holding or investment company, the existence of such an accumulation is determinative of the purpose to avoid surtax upon shareholders unless the taxpayer proves the contrary by such a clear preponderance of all the evidence that the absence of such a purpose is unmistakable."

(c) It is to be remembered that personal holding companies are now taxed under section 351 of the Revenue Act of 1934 (48 Stat. 751, 26 U.S.C. 331) and the corresponding sections of the Revenue Acts of 1936 (49 Stat. 1732, 26 U.S.C. Sup. 2, 331) and 1938 (52 Stat. 557, 26 U.S.C. Sup. 4, 331) and the Internal Revenue Code. The provisions of law establishing high tax rates on earnings held in such corporations have eliminated the largest group of cases which previously fell within the provisions of section 102, and that section now has application only to corporations other than personal holding companies.*†

§ 22.1 *Instructions.* (a) Returns filed by the following classes of corporations will be given close attention to determine whether section 102 is applicable:

(1) Corporations which have not distributed at least 70 percent of their earnings as taxable dividends.

(2) Corporations which have invested earnings in securities or other properties unrelated to their normal business activities.

(3) Corporations which have advanced sums to officers or shareholders in the form of loans out of undistributed profits or surplus from which taxable dividends might have been declared.

(4) Corporations, a majority of whose stock is held by a family group or other small group of individuals, or by a trust or trusts for the benefit of such groups.

(5) Corporations the distributions of which, while exceeding 70 percent of their earnings, appear to be inadequate when considered in connection with the nature of the business or the financial position of the corporation or corporations with accumulations of cash or other quick assets which appear to be beyond the reasonable needs of the business.

(b) Insofar as the classes of cases referred to in (1), (2), (3) and (4) are concerned, the examining officer's report in every instance shall contain a specific recommendation for the application or nonapplication of section 102.

(c) Each internal revenue agent in charge and each head of a field division of the Technical Staff will designate a qualified employee in his office, whose responsibility it will be to pass personally upon each case in which a recommendation has been made by an examining or reviewing officer with respect

to the application or nonapplication of section 102. The internal revenue agent in charge or head of the field division of the Technical Staff will advise the Commissioner of the names and titles of such employees.

(d) There will be maintained currently in Washington, D. C., detailed data regarding cases in which recommendations have been made with respect to the application or nonapplication of section 102, in order that the officers of the Department may be kept appropriately informed. To this end, there will be forwarded to this office by internal revenue agents in charge or heads of field divisions of the Technical Staff, as the case may be, immediately upon preparation thereof, a copy of each examining officer's report, revenue agent's report, field conference memorandum, or action memorandum in cases referred to in (1), (2), (3) and (4) of paragraph (a) of this section, in which a recommendation has been made with respect to the application or nonapplication of section 102, and a copy of each examining officer's report, revenue agent's report, field conference memorandum, or action memorandum in cases referred to in (5) of paragraph (a) of this section in which a recommendation has been made for the application of section 102.

(e) In the review of income-tax cases by the Bureau, the returns of corporations of the classes enumerated in paragraph (a) of this section will be given special consideration to determine whether field officers have complied fully with these instructions.

(f) Correspondence, reports, and memorandums from internal revenue agents in charge in regard to this Treasury decision should refer to the number thereof and the symbols IT:F. Correspondence, reports, and memorandums from heads of the field divisions of the Technical Staff in regard to this Treasury decision should refer to the number thereof and the symbols C:TS.*†

[SEAL] HAROLD N. GRAVES,
Acting Commissioner.

Approved July 26, 1939.

H. MORGENTHAU, Jr.
Secretary of the Treasury.

[F. R. Doc. 39-2785; Filed, July 27, 1939;
12:47 p. m.]

TITLE 41—PUBLIC CONTRACTS

DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SPECIALTY ACCOUNTING SUPPLY MANUFACTURING INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled, "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." The

Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing in the matter of the prevailing minimum wages in the Specialty Accounting Supply, Salesbook, and Autographic Register Manufacturing Industry on June 9, 1938.

Notice of the hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was also extended through the national press to all other interested parties.

At the hearing testimony was presented for the record by members of the industry by a representative of the Specialty Accounting Supply Manufacturers' Association and by a representative of the International Printing Pressmen and Assistants' Union of North America.

A survey prepared by the Research Section, Division of Public Contracts, from information gathered by questionnaires sent to all members of the industry by the Secretary of the Specialty Accounting Supply Manufacturers' Association was introduced at the hearing. In addition, wage data compiled by the International Printing Pressmen and Assistants' Union of North America were introduced.

On the basis of the evidence the Board made its recommendations. Thereafter, the Administrator circularized the recommendations and gave the parties a reasonable time in which to register their objection thereto or their approval thereof before any determination in the matter should be made. The entire record and the briefs of interested parties are now before me for consideration.

The Board recommended that the industry be identified as the, "Specialty Accounting Supply Manufacturing Industry." The testimony of record shows that salesbooks and autographic registers are normally considered as specialty accounting supplies. The enumeration of specific products of the Specialty Accounting Supply Industry has a tendency to carry with it the implication that products not enumerated are excluded. For this reason, the words, "Salesbook, and Autographic Register", will be eliminated from the title of the industry although the elimination is in no wise to be considered as an elimination of these products from the purview of this decision.

This survey made on the basis of information gathered from the questionnaires sent to members of the industry covers 42 plants employing 4,691 employees. The Association covers in its membership 100 per cent of the manufacturers of autographic registers, 80 per cent of the manufacturers of sales books, and 90 per cent of the manufacturers of continuous forms stationery. In addition to the reports received from members of the Association, 6 non-members reported.

The Union representative agreed at the hearing that the survey made by the

Association was complete and adequately represented the wage structure of the industry. The survey was geographically representative of all producing centers. Plants were covered in Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Ohio, Illinois, Michigan, Minnesota, Nebraska, Kansas, California, Oregon, and Washington. There are no members of this industry located in the South. Ohio, New York and Illinois account for at least 75 per cent in value of the industry's production. The wage data introduced by the Union covering 2,883 employees substantiates the Association survey. The data of record are adequately representative of the wage conditions existing in the industry.

The Board recommended that the minimum wage for the industry be found to be 42.5 cents an hour or \$17.00 per week of 40 hours. The Specialty Accounting Supply Manufacturers' Association has taken exception to the finding that the wage should be 42.5 cents, stating that the minimum prevailing in the industry is below that figure and that the minimum should be 40 cents an hour for male and 45 cents an hour for female employees with a learner tolerance of not less than 80 per cent of such minimum.

The Association took the position that not more than 3 per cent of the industry production was bought by the Government and that the imposition of a 42.5 cent minimum on those factories that supply these products to the Government would make it difficult to compete in the general commercial field with the other members of the industry who did not supply Government contracts.

The Board has considered the protest and in the light thereof, and after reconsidering the facts of record, has indicated that the minimum should be found to exist at 40 cents an hour and that there should be no tolerance for learners. This is the lowest wage that is paid by plants that compete for Government business. The first substantial concentration of employees in the industry is found in the interval between 40 and 45 cents where 603 employees out of the total of 4,691 are found. The interval between 35 and 40 cents contains 264 employees.

There appears no reason for granting a learner tolerance. There is a group of employees in the industry classified as learners but they do not fall exclusively within the low wage group. The learners are spread throughout the industry and are classified sometimes as beginners' helpers and unskilled workers and their wages are reflected in the determination of a 40 cent minimum.

The record shows, however, that apprentices are employed in the industry at wages lower than the prevailing minimum in the industry, and the Board has recommended that provision be made for the employment of apprentices at wages lower than the prevailing minimum wages, provided that their employment

conforms with the standards of the Federal Committee on Apprenticeship.

I have examined the findings of the Board and the record of the hearing, together with the briefs filed, and in the light of the facts I hereby determine that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture or supply of the products of the Specialty Accounting Supply Manufacturing Industry as herein defined, shall be 40 cents an hour or \$16.00 per week of forty hours, arrived at either upon a time or piece work basis; provided that apprentices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

This determination shall be effective, and the minimum wage hereby established shall apply to all such contracts, bids for which are solicited on or after August 9, 1939.

Dated, July 25, 1939.

[SEAL]

FRANCES PERKINS,
Secretary.

[F. R. Doc. 39-2767; Filed, July 27, 1939;
10:07 a. m.]

**TITLE 49—TRANSPORTATION AND
RAILROADS**
**INTERSTATE COMMERCE
COMMISSION**

[No. 3666]

**IN THE MATTER OF REGULATIONS FOR
TRANSPORTATION OF EXPLOSIVES AND
OTHER DANGEROUS ARTICLES**

Decided July 22, 1939

Applications for amendment of prior supplemental report herein authorizing construction and use of fusion-welded tank-car tanks, granted.

Victor Willoughby for American Car and Foundry Company.

R. W. Thompson for General American Transportation Corporation.

**SUPPLEMENTAL REPORT OF THE
COMMISSION¹**

ALLDREDGE, Commissioner:

In our supplemental report herein dated December 30, 1937, we granted several applications requesting authority to construct various types of experimental fusion-welded tank-car tanks for transportation of dangerous articles, including thirty-nine tanks of specification 105A300 type fabricated in accordance with proposed revised specification 105A300-W for transportation of anhydrous ammonia.

¹ Under the authority of section 17 (6) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

In applications filed by American Car and Foundry Company, dated January 31, 1938, and General American Transportation Corporation, dated April 26, 1938, we are asked to amend said report to the extent that it applies to cars for anhydrous ammonia, and authorize four (4) of the cars already constructed thereunder, marked with serial numbers SCMX 2005 to 2008, inclusive, to be used in transportation either of anhydrous ammonia or petroleum products, and two (2) further cars constructed thereunder to be used in transportation of petroleum products. Construction and use of all such cars will otherwise be in full accordance with the authority herein amended.

Upon further consideration, and in the light of added facts disclosed in the applications, the requested authorities are hereby granted effective forthwith.

By the Commission, Commissioner Alldredge.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-2784; Filed, July 27, 1939;
12:32 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Geological Survey.

AMENDMENT OF ORDER GRANTING AND DIRECTING A HEARING IN THE MATTER OF A MINIMUM PRICE FOR COMPUTING ROYALTIES DUE ON CRUDE OIL PRODUCED FROM LANCE CREEK FIELD, WYOMING

Paragraph No. 6 of the Order of July 11, 1939, granting and directing a hearing in the matter of a minimum price fixed and established by the Secretary of the Interior for computing royalties due to the United States on crude oil produced from Lance Creek Field, Wyoming, is hereby amended to read as follows:

6. The hearing will be held in the Department of the Interior at Washington, D. C., commencing at 10:00 A. M., September 20, 1939.

E. K. BURLEW,

Acting Secretary of the Interior.

JULY 25, 1939.

[F. R. Doc. 39-2777; Filed, July 27, 1939;
11:12 a. m.]

DEPARTMENT OF LABOR.

Children's Bureau.

NOTICE OF HEARING CONCERNING THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN DRIVING MOTOR VEHICLES AND IN SERVING AS HELPERS ON SUCH VEHICLES

JULY 25, 1939.

The Children's Bureau will hold a hearing on Friday, August 18, 1939, com-

¹ 4 F.R. 2956 D1.

mencing at 10 a. m. in Room 3229, U. S. Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., to take testimony to be used to assist the Chief of the Children's Bureau in determining, pursuant to section 12 (a) and section 3 (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060), whether the occupations of driving motor vehicles and of serving as helpers on such vehicles are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

Section 12 (a) of the Act provides that:

* * * no producer, manufacturer, or dealer shall ship or deliver for shipment in commerce [as defined in section 3 (b)] any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed * * *

Section 3 (1) of the Act defines oppressive child labor in part as follows:

(1) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer * * * in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Chief of the Children's Bureau in the Department of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; * * *

At the hearing, which will be held before a presiding officer to be designated hereafter, all interested parties will be given opportunity to appear and be heard. Those desiring to appear at the hearing are requested to notify the Children's Bureau at least 2 days prior to the date fixed for the hearing.

It is suggested that testimony presented at the hearing include information pertinent to the following questions:

(1) To what extent are minors under 18 years of age employed as drivers of motor vehicles or helpers on such vehicles? In what industries are they so employed?

(2) What different types of work are performed by helpers on trucks and other motor vehicles?

(3) What are the hazards to minors of driving motor vehicles and of helping on such vehicles? Should all types of work performed by helpers be regarded as hazardous?

(4) Should the determination apply to all helpers who serve on motor vehicles in connection with the transportation of goods or only to those helpers (sometimes known as "jumpers") who serve on motor vehicles and who pick up or deliver goods elsewhere than at a loading platform?

(5) Should the determination define the terms "motor vehicle" as any vehicle propelled or drawn by mechanical power and designed for use upon the highways in the transportation of persons or property?

FEDERAL REGISTER, Friday, July 28, 1939

This list of questions is not meant to exclude the submission of any other pertinent information which an interested party may desire to present.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 39-2771; Filed, July 27, 1939;
10:10 a. m.]

Division of Public Contracts.

IN THE MATTER OF THE AMENDMENT OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE MANUFACTURE OF AEROPLANES, AIRCRAFT ENGINES, PROPELLERS, ACCESSORIES, AND THE MANUFACTURING AND FINISHING OF PARTS

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Department has been supplied with evidence showing that the wage structure prevailing in the manufacture of aircraft parts and accessories, including the manufacture of such original equipment, replacement parts, aircraft electrical products, and accessories, with the exception of aircraft instruments and products manufactured predominantly from fabrics such as parachutes, targets, and wind socks, is similar to that prevailing in the manufacture or supply of aeroplanes, aircraft engines and aircraft propellers, as determined by the Secretary of Labor on December 14, 1938.¹ In the Matter of the Determination of the Prevailing Minimum Wages in the Manufacture of Aeroplanes, Aircraft Engines, Propellers, Accessories, and the Manufacturing and Finishing of Parts.

In the light of these facts, all interested parties are hereby given until and including August 7, 1939 within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing reasons of law or fact why the Secretary's decision in the Matter of the Determination of the Prevailing Minimum Wages in the Manufacture of Aeroplanes, Aircraft Engines, Propellers, Accessories, and the Manufacturing and Finishing of Parts should not be amended to include the manufacture of such original equipment, replacement parts, aircraft electrical products, and accessories, with the exception of aircraft instruments and products manufactured predominantly from fabrics, such as parachutes, targets, and wind socks, and to show cause why in law and fact the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of such original equipment, replacement parts, aircraft electrical products, and accessories should not be 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece work basis; provided that appren-

tices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

Dated July 24, 1939.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 39-2768; Filed, July 27, 1939;
10:07 a. m.]

IN THE MATTER OF AN AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE LUGGAGE AND SADDLERY INDUSTRIES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Department has been supplied with evidence to the effect that the companies manufacturing carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife) follow similar manufacturing processes to those followed in the manufacture of luggage; that the majority of luggage manufacturers also manufacture such commodities; that the same minimum wage prevails in the manufacture of such commodities as has been found by the Secretary to prevail in the manufacture of luggage.

In the light of these facts all interested parties are hereby given until and including August 7, 1939 in which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing reasons of law or fact why the Secretary's decision of July 12, 1938¹ in the Matter of Determining the Prevailing Minimum Wages in the Luggage and Saddlery Industries should not be amended to include the manufacture or supply of carrier's tie straps and leather pouches and to show cause why in law and fact the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of these commodities should not be 40 cents an hour or \$16.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, and New Mexico; and 37.5 cents an hour or \$15.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the other 26 States and the District of Columbia.

Dated, July 24, 1939.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 39-2769; Filed, July 27, 1939;
10:07 a. m.]

IN THE MATTER OF THE AMENDMENT OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE WORK GLOVE INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Department has been supplied with evidence to the effect that the companies engaged in the manufacture of leather work gloves and leather-palm gloves also manufacture all leather (lined or unlined) block-cut semi-dress gloves, and that the processes followed in the manufacture of such semi-dress gloves are similar to those followed in the manufacture of work gloves.

In the light of this evidence it appears that the prevailing minimum wage for the manufacture of such semi-dress gloves is similar to that prevailing in the manufacture of work gloves.

All interested parties are hereby given until and including August 7, 1939, within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing reasons of law or fact why the Secretary's decision of July 28, 1937¹ in the Matter of Determination of the Prevailing Minimum Wage in the Work Glove Industry should not be amended to include the manufacture of all leather (lined or unlined) block-cut semi-dress gloves, and to show cause why in law and fact the minimum wages for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of such semi-dress gloves should not be 35 cents an hour or \$14.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Dated July 24, 1939.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 39-2770; Filed, July 27, 1939;
10:08 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 280]

THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE MODESTO, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Fran-

¹ 3 F.R. 3043, DI.

¹ 3 F.R. 1733, DI.

¹ 2 F.R. 1339.

cisco, Calif., before Examiner C. Edward Leisure.

Dated Washington, D. C., July 26, 1939.
By the Authority:

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2775; Filed, July 27, 1939;
10:58 a. m.]

[Docket No. 281]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE MERCEDES, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leisure.

Dated Washington, D. C., July 26, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2776; Filed, July 27, 1939;
10:58 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. ID 178, 90, 769, 87, 89, 847, 164, 179, 231, 284, 795, 175, 92, 290, 163, 166, 796, 101, 132, 483]

IN THE MATTER OF JOHN EDWARD ALDRIDGE, ET AL.

ORDER POSTPONING HEARING

JULY 25, 1939.

Commissioners Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application of counsel for the above-named applicants, for postponement of the hearing heretofore ordered to be reopened and reconvened beginning at 10:00 A. M. on the 14th day of September, 1939, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., by the Commission's order of July 14, 1939;

It is ordered that said hearing be and the same is hereby postponed to begin at 10:00 A. M. on the 2nd day of October, 1939, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-2764; Filed, July 27, 1939;
9:43 a. m.]

¹ 4 F.R. 3356 DI.
No. 144—2

[Docket No. IT-5494]
IN THE MATTER OF SAFE HARBOR WATER POWER CORPORATION

ORDER POSTPONING HEARING

JULY 25, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application of counsel for the above-named respondent, for postponement of the hearing heretofore ordered to be held on September 18, 1939, at 10:00 A. M. in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., by the Commission's order of July 14, 1939;

It is ordered that said hearing be and the same is hereby postponed to begin at 10:00 A. M. on the 9th day of October in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-2765; Filed, July 27, 1939;
9:43 a. m.]

[Docket No. G-123]

IN THE MATTER OF GENERAL GAS PIPE LINE CORPORATION

ORDER GRANTING MOTION FOR REINSTATEMENT OF APPLICATION GRANTING PETITION FOR AMENDMENT OF APPLICATION, AND SETTING DATE FOR HEARING

JULY 25, 1939.

Commissioners Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On January 21, 1939, General Gas Pipe Line Corporation filed an application for a certificate of public convenience and necessity pursuant to Section 7 (c) of the Natural Gas Act to authorize the construction of a natural gas pipe line from a point in Hart County, Kentucky, to a point in Hamilton County, Indiana;

(b) At a public hearing held on this application on April 17, 1939,¹ counsel for applicant filed with the Commission a motion to dismiss said application without prejudice and on April 18, 1939, the Commission by order granted said motion;

(c) On July 21, 1939, the General Gas Pipe Line Corporation filed with the Commission a motion requesting the reinstatement of its application originally filed January 21, 1939, and a petition for leave to amend its application with regard to the points along said proposed pipe line at which it intends to sell nat-

ural gas for resale and with regard to the rates at which it proposes to sell said natural gas;

The Commission orders that:

(A) The motion filed by General Gas Pipe Line Corporation requesting that its application for a certificate of public convenience and necessity pursuant to Section 7 (c) of the Natural Gas Act to authorize the construction of a natural gas pipe line from a point in Hart County, Kentucky, to a point in Hamilton County, Indiana, be and it is hereby granted and said application be and it is hereby reinstated;

(B) The petition to amend said application filed by the General Gas Pipe Line Corporation be and it is hereby granted;

(C) A public hearing on said application as reinstated and amended be held at 10 o'clock A. M., September 7, 1939, in the Hearing Room, Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-2766; Filed, July 27, 1939;
9:43 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3783]

IN THE MATTER OF MODERN MARKETING SERVICE, INC., A CORPORATION; RED AND WHITE CORPORATION, A CORPORATION; DIAMOND MATCH COMPANY, A CORPORATION; MORTON SALT COMPANY, A CORPORATION; QUAKER OATS COMPANY, A CORPORATION; RALSTON-PURINA COMPANY, A CORPORATION; WESSON OIL AND SNOW-DRIFT SALES COMPANY, A WHOLLY OWNED SUBSIDIARY OF WESSON OIL AND SNOW-DRIFT COMPANY, INC., A CORPORATION; STANDARD RICE COMPANY, A CORPORATION; PROCTOR & GAMBLE, A CORPORATION; S. M. FLICKINGER COMPANY, INC., A CORPORATION; JULLIARD COCKCROFT CORPORATION, A CORPORATION; LAURANS BROTHERS, INC., A CORPORATION; WEST COAST GROCERY COMPANY, A CORPORATION; H. O. WOOTEN GROCERY COMPANY, A CORPORATION; AND NASH-FINCH COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Fed-

¹ 4 F.R. 3357 DI.
4 F.R. 1152 DI.

eral Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41) and (49 Stat. 1526, U.S.C.A., Section 13, as amended),

It is ordered, That John P. Bramhall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, August 4, 1939, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-2763; Filed, July 26, 1939;
2:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of July 1939.

[File No. 32-158]

IN THE MATTER OF THE KANSAS POWER AND LIGHT COMPANY

ORDER EXEMPTING THE ISSUE AND SALE OF SECURITIES

The Kansas Power and Light Company, a direct subsidiary of North American Light & Power Company and an indirect subsidiary of The North American Company, the latter two companies being registered holding companies, having filed an application with amendments thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of Section 6 (a) of the Act of the issue and sale of \$26,500,000 principal amount of First Mortgage Bonds, 3½% Series, due 1969, and \$3,500,000 principal amount of 2¾% Promissory Notes maturing serially from 1940 to 1949; and the issue and sale of such securities having been expressly authorized by the State Corporation Commission of Kansas;

A hearing on such matter having been held after appropriate notice;¹ the applicant having waived the right to have submitted to it a report by the Trial Examiner, to have submitted to it pro-

posed findings of fact by the Commission or requested findings of fact by counsel to the Commission, to file a brief and to oral argument before the Commission prior to the Commission's making findings and the entry of an order herein; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale of the aforesaid First Mortgage Bonds and the Promissory Notes in accordance with the terms and conditions set forth in, and for the purposes represented by said amended application, be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(a) That if the express authorization of the issue and sale of such securities by the State Corporation Commission of Kansas shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission; and

(b) That within ten days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by said application as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2773; Filed, July 27, 1939;
10:45 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26 day of July, A. D. 1939.

[File No. 56-51]

IN THE MATTER OF LEONARD S. FLORSHEIM, TRUSTEE INLAND POWER AND LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 7, 1939, at 9:45 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW, Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 2, 1939.

The matter concerned herewith is in regard to the sale by applicant to three insurance companies of \$243,500 principal amount of 5% Bonds of Michigan Public Service Company, at 100 plus accrued interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2774; Filed, July 27, 1939;
10:45 a. m.]

UNITED STATES TARIFF COMMISSION.

INVESTIGATION ORDERED AND HEARING SET FOR AUGUST 14, 1939, RELATIVE TO COTTON OR COTTON WASTE

INVESTIGATION NO. 1 UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

Institution of investigation.—By direction of the President, dated July 28, 1939, the United States Tariff Commission on the 26th day of July 1939 instituted, and hereby gives notice of an investigation, under Section 22 of the Agricultural Adjustment Act (of 1933), as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether Cotton or Cotton Waste is being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton, under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from cotton. Cotton textiles are not included in this investigation, but will be made the subject of a separate investigation to be announced later.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public-

lic hearing to be held at the office of the Commission in Washington, D. C., at 10 a. m. on the 14th day of August 1939.

Nature of information at hearing. Information submitted at hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the sub-

ject it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

Regulations. Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Washington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above investigation and hearing in said investigation were ordered by the United States Tariff Commission on the 26th day of July 1939.

[SEAL]

SIDNEY MORGAN,
Secretary.

Notice issued July 27, 1939.

[F. R. Doc. 39-2772; Filed, July 27, 1939;
10:33 a. m.]

